

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

SQUARE D COMPANY,

Plaintiff,

VS.

BREAKERS UNLIMITED, INC.,

Defendant.

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CAUSE NO. 1:07-cv-806-WTL-JMS

**ENTRY REGARDING MOTION FOR RULINGS ON
OBJECTIONS TO TRIAL EXHIBITS**


This cause is before the Court on Square D's Motion for Rulings on Objections to Trial Exhibits (dkt. #284). Per the discussion with counsel during the recent final pretrial conference, it appears that the settlement between Breakers and Pioneer has rendered virtually all of the objections discussed in the motion moot. Remaining at issue is Exhibit 186, which Breakers indicates it intends to offer at trial, and perhaps Exhibits 179 and 180, which Breakers indicates it might decide to offer at trial.

With regard to Exhibit 186, the objection is **OVERRULED** if, as anticipated, one of Square D's experts testifies that one way he distinguished genuine Square D circuit breakers from counterfeit circuit breakers was the fact that the counterfeit breakers failed certain UL tests. Inasmuch as Exhibit 186 involves an instance in which a genuine Square D breaker failed a UL test, Breakers will be permitted to offer this exhibit as evidence a breaker is not necessarily counterfeit simply because it fails a UL test. However, in the event that Square D's expert does not testify regarding his UL testing for any reason, the objection will be sustained.

With regard to Exhibits 179 and 180, the Court fails to see the relevance of these two documents to the issues in this case. Therefore, the objections to them are **SUSTAINED** unless

and until Breakers explains their relevance.

SO ORDERED: 06/12/2009

A handwritten signature in black ink, reading "William T. Lawrence", is written over a horizontal line.

Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Copies to all counsel of record via electronic notification